



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Sfaw

Applicant(s) : Bassem M. Demian
Serial No. : 09/716,567
Filed : November 20, 2000
Title : Bunion treating device
Examiner: Shawntina T. Fuqua Art Unit: 3742
Atty Docket No.: 176746-2

MS Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

NOTICE OF ERROR IN NOTICE OF ALLOWABILITY

SIR:

Applicant is in receipt of a Notice of Allowability (PTOL-37), copy enclosed. Box 6 is checked and states corrected drawings are required based on Paper mailed January 7, 2003. This is error. Applicant filed formal drawings on February 26, 2003, copy of postcard receipt enclosed. Applicant's undersigned attorney had a telephone interview with Examiner Fuqua on June 8, 2004. Ms. Fuqua confirmed that the formal drawings are in the PTO file. This paper is to confirm that telephone conversation. The requirement for drawing corrections is in error and should be withdrawn.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

MS Issue Fee
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450


William Squire


June 14, 2004
Date

Respectfully submitted,

Bassem M. Demian


William Squire, Esq.

Reg. No. 25/378

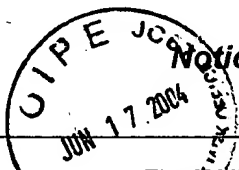
Attorney for Applicants

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Notice of Allowability

Application No.

09/716,567

Examiner

Shawntina T. Fuqua

Applicant(s)

DEMIAN, BASSEM M.

Art Unit

3742

-- The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response received 4/7/04.
2. ☒ The allowed claim(s) is/are 12-21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 1/7/03.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/20/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Shawntina Fuqua
Patent Examiner
Art Unit 3742
Shawntina Fuqua

Art Unit: 3742



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 1-11 non-elected without traverse in paper dated 9/3/02.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (703) 305-2581. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shawntina Fuqua can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

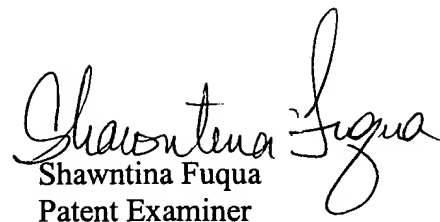
Application/Control Number: 09/716,567

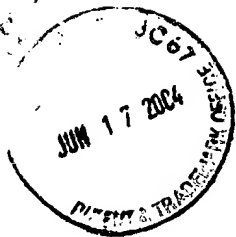
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Art Unit: 3742

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May 16, 2004


Shawntina Fuqua
Patent Examiner
Art Unit 3742

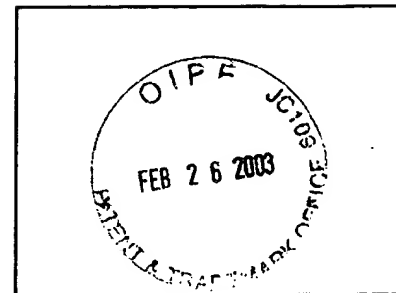


Please date stamp and return to addressee on reverse side

Applicant(s): GASSEM M. DEMIAN

Serial No.: 09/716,567 Filed: NOV. 20, 2000

Title (or mark): BUNION TREATING DEVICE



DOCUMENTS ENCLOSED

☐ Application sheets: Descr.: _____

Drawing sheets: _____

Claims _____ Abstract _____

☐ Formal

☐ Informal

☐ Declaration (executed _____)

☐ Assignment to _____

☐ Verified Statement Claiming Small Entity Status

☐ Type of OA: REJECTION

☐ Inform. Discl. Statement

☒ Response to OA dated JAN. 7, 2003

☐ _____ Mo. Ext. of Time

☐ _____

☒ Other LETTER TO OFFICIAL DRAFTSPERSON

☐ Check Amount \$ _____ No. _____

☒ Formal Drawing 7 sheets

Express Mail Label No.: _____

First class mail

Deposited on: _____

Certificate Dated: FEB. 21, 2003

Atty.: WS

Docket No.: 176 746 -2